



We build strong kids, strong families, strong communities

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**Testimony of
The Connecticut Alliance of YMCAs
Before the Legislature's
Judiciary Committee
Friday, March 20, 2009
10:00 AM, Room 2D
Legislative Office Building**

**RE: SB 1116 – An Act Requiring Criminal History Records Checks for
Youth Camp Employees and Volunteers**

Good morning. My name is Philip J. Dwyer. I am the President/CEO of the Central Connecticut Coast YMCA and serve as Vice Chair of the CT Alliance of YMCAs Public Policy Committee. I am here today to testify on behalf of the twenty three YMCAs in support of the concept behind SB 1116, concerning the requirement of background checks for camp staff. It is considered a best practice at the YMCA.

Like most YMCAs we hire a large number of youth and young adults to summer camp positions, almost 800 each summer.

Earlier this Legislative Session, we testified before the Legislature's Select Committee on Children in favor of related bills HB 5146 and HB 5199. We provided some advice and commentary on issues to take into consideration when approaching this subject. The testimony below provides similar information as was provided before, but responds to some unique provisions of SB 1116.

In communities, large and small, across the State, fifty-six different YMCA facilities serve the needs of their members and their communities through quality, safe camp programs. Many times these programs are used by families of working parents seeking

child care when school is out of session. These YMCAs operate wholesome program activities that help build strong kids, strong families and strong communities. It is vital that the community at large recognize the need to ensure the safety and well being of our youth, especially those with special needs. Thus, we applaud the sponsors of bills that seek to protect the interests of children.

Consider that, collectively, YMCAs are the state's largest provider of organized camping and indeed it was the YMCA that founded the first continuously used camp. In Connecticut, close to thirty thousand youth register for summer camp each year at the YMCA. So we know something about caring for children in a camping program.

Parents entrust their child to YMCA camps and expect the same level of care and attention in the hiring of camp staff, as parents who enroll in YMCA child care programs. Thus, it makes sense to require background checks for summer camp employees.

However, there are some differences you need to consider.

- First, these are truly seasonal employees, and thus their paperwork and employment application forms always come together in a concentrated time period and thus timely turn-a-round time on background checks is critical.
- Second, most of the staff are considerably younger than child care staff. Thus, the committee should consider whether background checks should be conducted on ALL camp staff, regardless of age. Here, the YMCA of the USA's recommended best practice is that age 16 is the minimum age for background checks. YUSA has come to this recommendation based on the following: 39 states and the District of Columbia consider age 16 to be the age of consent. Minors 16 years of age and older frequently can be treated as adults in criminal proceedings. Realistically, however, records of those under 18 are frequently not made available.
- Third, there are various bills under consideration by the legislature on very similar subjects, some require a state background check while others require a national background check be used. The YMCA, due to the mobility of people

and families today, believes a national background check process is preferred.

Although states have free Sex Offender Registry checks, that search is only being conducted in the state. National background check services check Offender Registries, criminal history, jail history, and other reporting groups. This broader check gives the YMCA the opportunity to obtain possible convictions that occurred outside the state where the person currently resides. Also, not all offenders are actually registered as they are supposed to be.

- Unique to this bill are two requirements. First, that checks be done on volunteers and second that background checks be conducted on ALL job applicants. Please consider the following:
 - **Volunteers:** The YMCA considers it a best practice to conduct background checks when a volunteer can be reasonably expected to come into regular contact with children. A policy volunteer who only comes to board meetings, or an office volunteer who is not in a youth program site, are not regularly included in such background check requirements.
 - **Job Applicants:** The CCC YMCA regularly hires 750 to 800 youth and young adults each summer for camp positions. We normally get twice, sometimes more, the number of applications. Many are from youth who do not even meet the minimal job requirements of age, years of school, experience, etc. and are not even considered or interviewed. SB 1116, would essentially double, and sometimes triple the administrative burden and costs associated with implementing this best practice. Once the resume is reviewed and an interview is conducted, if the supervisor wishes to hire an individual, the CCC YMCA then asks the applicant to sign the appropriate form allowing a background check to be conducted prior to actual hire. The requirement contained in SB 1116 should only extend to individuals who have been offered employment.

Some additional considerations:

Fourth, I need not tell you that employees and prospective employees have rights under the Fair Credit Reporting Act. This act is designed to promote accuracy, fairness, and privacy of information in the files of every “consumer reporting agency” (CRA). For instance, you must be told if information in your file has been used against you. You can find out what is in your file and dispute inaccurate information with the CRA. If you tell a CRA that your file contains inaccurate information, the CRA must investigate the items (usually within 30 days) by presenting to its information source all relevant evidence you submit. Summer camp employment is, by nature, short term employment and thus a system needs to be in place that provides for the rights of prospective employees, while still accomplishing the legislative goal.

Fifth, I believe the state should provide not-for-profits with a list of approved, national service agencies that conduct background checks, and allow the local not-for-profit to determine which service they wish to use. The state can insure their needs are being met, while at the same time providing some flexibility to each not-for-profit which may already use a national service and believe it works effectively for them

We advise you to look at all possible options for accomplishing background checks very closely and make an educated decision about which service you believe accomplishes the goals of the legislation.

Why is this important? Too frequently the intentions of a legislative body are not fully accomplished or there are unintended consequences when rules and regulations are created such as higher administrative burdens or greater costs than were anticipated. The legislation should allow flexibility to the administering agency, but also give direction as to the intended goals.

Finally:

Do all YMCAs currently require background checks on the camp employees as a matter of best practice? The answer is YES. Based on a recent survey with all YMCAs operating in the state, we found no YMCA that is not already doing this type of check. Many YMCAs conduct background checks on ALL employees and

volunteers who work with children such as: CCC YMCA, Northwest, Darien, Greenwich, etc.

What is the method used to conduct these background checks? There are many means and methods used by local YMCAs. None limit their background checks to criminal history only. Most are “soup to nuts”. The most frequently used services are:

- YMCAs payroll service providers such as ADP Avert (2)
- Private providers such as: Choice Point - Volunteers, Arresthistory.com, Hire Right (3), Volunteer Select, Research Services LLC (a CT based company), Verifirst, National Background Investigations.

Do YMCAs conduct state or national searches. The answer is both. Most YMCAs (CCC Y, Hartford, Darien, Camp Hazen, Camp Mohawk) conduct both a state and national data base searches. Some also conduct county searches for every county in which an employee has lived since turning age 18. Most also check the state Sexual Offender Registry as well. There are only two YMCAs that limit their searches to state data bases only.

What is the cost? It varies based on the volume of checks that are done and the extensiveness of the background check that is requested. Thus, your legislation should not add to this cost, but rather recognize that systems are in place currently, and those systems should be recognized as qualifying for the state background check requirement, so as not to create increased or duplicative administrative burdens or costs. The fees per person range from \$ 7 to \$ 9 per search all the way up to \$ 60 or \$ 70/search.

Resident Camps: Let me take a moment to talk about resident camps. One of the first issues that needs to be considered is what to do about international staff. Most YMCA resident camps believe a child’s experience is enhanced by interaction with International Camp Counselors. However, the process for their background checks is different. State policy and administrative regulations need to take into consideration

the process and time frame needed to conduct these background checks. It is possible, just different.

I will conclude my testimony by repeating – the CT Alliance of YMCAs believes this is a good idea. However, we, like all not-for-profit institutions are experiencing economic trauma. Any legislation that increases the cost of service will naturally have a negative impact on the YMCAs ability to deliver services and to provide financial aid and program subsidies to families in need of help. The fiscal impact on not-for-profits should also be considered when finalizing this legislation.

For more information on this topic, contact:

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